

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 578

Amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1994

Mr. MOAKLEY submitted the following resolution; which was referred to the Committee on Rules

OCTOBER 7, 1994

Considered and agreed to pursuant to H. Res. 579

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## RESOLUTION

Amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes.

1       *Resolved,*

2       **SECTION 1. APPLICATION OF CERTAIN LAWS TO THE**  
3               **HOUSE OF REPRESENTATIVES.**

4       The Rules of the House of Representatives are  
5       amended by adding at the end the following new rule:

1 “RULE LII.

2 “APPLICATION OF CERTAIN LAWS.

3 “1. There is established an Office of Compliance  
4 which shall have a Board of Directors consisting of 5 indi-  
5 viduals appointed jointly by the Speaker and the minority  
6 leader. Appointments of the first 5 members of the Board  
7 of Directors shall be completed not later than 120 days  
8 after the beginning of the One Hundred Fourth Congress.

9 “2. (a) The Office of Compliance shall carry out the  
10 duties and functions set forth in sections 2 through 16  
11 of House Resolution \_\_\_\_, One Hundred Third Congress,  
12 including the issuance of regulations, to implement the re-  
13 quirements of the following laws to the House of Rep-  
14 resentatives:

15 “(1) The Fair Labor Standards Act of 1938  
16 (29 U.S.C. 201 et seq.), effective at the beginning  
17 of the second session of the One Hundred Fourth  
18 Congress.

19 “(2) Title VII of the Civil Rights Act of 1964  
20 (42 U.S.C. 2000e et seq.), effective at the beginning  
21 of the second session of the One Hundred Fourth  
22 Congress.

23 “(3) The Americans With Disabilities Act of  
24 1990 (42 U.S.C. 12101 et seq.), effective at the be-

1       ginning of the second session of the One Hundred  
2       Fourth Congress.

3           “(4) The Age Discrimination in Employment  
4       Act of 1967 (29 U.S.C. 621 et seq.) (including rem-  
5       edies available to private employees), effective at the  
6       beginning of the second session of the One Hundred  
7       Fourth Congress.

8           “(5) Titles I and V of the Family and Medical  
9       Leave Act of 1993 (29 U.S.C. 2611 et seq.), effec-  
10      tive at the beginning of the second session of the  
11      One Hundred Fourth Congress.

12          “(6) The Occupational Safety and Health Act  
13      of 1970 (other than section 19) (29 U.S.C. 651 et  
14      seq.) (subject to paragraph (c)), effective at the be-  
15      ginning of the One Hundred Fifth Congress.

16          “(7) Chapter 71 (relating to Federal labor  
17      management relations) of title 5, United States  
18      Code, effective at the beginning of the One Hundred  
19      Fifth Congress.

20          “(8) The Employee Polygraph Protection Act of  
21      1988 (29 U.S.C. 2001 et seq.), effective at the be-  
22      ginning of the second session of the One Hundred  
23      Fourth Congress, except that this Act shall not  
24      apply to the United States Capitol Police.

1           “(9) The Worker Adjustment and Retraining  
2       Notification Act (29 U.S.C. 2101 et seq.), effective  
3       at the beginning of the second session of the One  
4       Hundred Fourth Congress.

5           “(10) The Rehabilitation Act of 1973 (29  
6       U.S.C. 791), effective at the beginning of the second  
7       session of the One Hundred Fourth Congress.

8           “(b) Any provision of Federal law shall, to the extent  
9       that it relates to the terms and conditions of employment  
10      (including hiring, promotion or demotion, salary and  
11      wages, overtime compensation, benefits, work assignments  
12      or reassignments, termination, protection from discrimina-  
13      tion in personnel actions, health and safety of employees,  
14      and family and medical leave) of employees apply to the  
15      House in accordance with this rule.

16          “(c) The House shall comply with the Occupational  
17      Safety and Health Act of 1970 as follows: If a citation  
18      of a violation of such Act is received, action to abate the  
19      violation shall take place as soon as possible, but no later  
20      than the fiscal year following the fiscal year in which the  
21      citation is issued, subject to the availability of funds ap-  
22      propriated for that purpose after the receipt of the  
23      citation.

24          “3. (a)(1) The Chairperson of the Board of Directors  
25      of the Office shall appoint, may establish the compensa-

tion of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this rule as the 'executive director'). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or expertise in the application of the laws referred to in clause 2. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

“(2) The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

“(b)(1)(A) No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Secretary of the Senate or the Clerk shall

1 be considered eligible for appointment to, or service on,  
2 the Board of Directors.

3 “(B) No member of the Board of Directors may hold  
4 or may have held the position of Member of the House  
5 of Representatives or Senator, may hold the position of  
6 employee of the House or Senate, or may have held such  
7 a position within 4 years of the date of appointment.

8 “(2) If during a term of office a member of the Board  
9 of Directors engages in an activity described in subpara-  
10 graph (1)(A), such position shall be declared vacant and  
11 a successor shall be selected in accordance with paragraph  
12 (a)(1).

13 “(3) A vacancy in the Board of Directors shall be  
14 filled in the manner in which the original appointment was  
15 made.

16 “(c)(1) Except as provided in subparagraph (2),  
17 membership on the Board of Directors shall be for 5 years.  
18 A member shall only be eligible for appointment for a sin-  
19 gle term of office.

20 “(2) Of the members first appointed to the Board  
21 of Directors—

22 “(A) 1 shall have a term of office of 3 years,

23 “(B) 2 shall have a term of office of 4 years,

24 and

25 “(C) 2 shall have a term of office of 5 years,

1 as designated at the time of appointment by the persons  
2 specified in paragraph (a)(1).

3 “(3) Any member of the Board of Directors may be  
4 removed from office by a majority decision of the appoint-  
5 ing authorities described in paragraph (a)(1) and only  
6 for—

7 “(A) disability that substantially prevents the  
8 member from carrying out the duties of the member,

9 “(B) incompetence,

10 “(C) neglect of duty,

11 “(D) malfeasance, or

12 “(E) a felony or conduct involving moral turpi-  
13 tude.

14 “(d) The Chairperson of the Board of Directors shall  
15 be appointed from the members of the Board of Directors  
16 by the members of the Board.”.

17 **SEC. 2. DEFINITIONS.**

18 As used in sections 2 through 16:

19 (1) The term “employee of the House” means  
20 any individual (other than a Member) whose pay is  
21 disbursed by the Director of Non-legislative and Fi-  
22 nancial Services or any individual to whom super-  
23 vision and all other employee-related matters were  
24 transferred to the Sergeant at Arms pursuant to di-  
25 rection of the Committee on Appropriations in

1 House Report 103–517 of the One Hundred Third  
2 Congress, and such term includes an applicant for  
3 the position of employee and a former employee.

4 (2) The term “employing authority” means,  
5 with respect to an employee, the Member of the  
6 House of Representatives or elected officer of the  
7 House of Representatives, or the Director of the  
8 Congressional Budget Office, with the power to ap-  
9 point the employee.

10 (3) The term “Member of the House of Rep-  
11 resentatives” means a Representative in, or a Dele-  
12 gate or Resident Commissioner to, the Congress.

13 (4) The term “elected officer of the House of  
14 Representatives” means an elected officer of the  
15 House of Representatives (other than the Speaker  
16 and the Chaplain).

17 (5) The term “Office” refers to the Office of  
18 Compliance established by rule LII of the Rules of  
19 the House of Representatives.

20 **SEC. 3. APPLICATION OF LAWS.**

21 (a) The laws set forth in clause 2 of rule LII of the  
22 Rules of the House of Representatives shall apply, as pre-  
23 scribed by that rule, to the House of Representatives.

24 (b) The laws referred to in rule LI of the Rules of  
25 the House of Representatives which apply on December



1 31, 1994, to House employees shall continue to apply to  
2 such employees until the effective date such laws are made  
3 applicable in accordance with this resolution.

4 **SEC. 4. ADMINISTRATIVE MATTERS RELATING TO THE**  
5 **OFFICE OF COMPLIANCE.**

6 (a)(1) Each member of the Board of Directors shall  
7 be compensated at a rate equal to the daily equivalent of  
8 the annual rate of basic pay prescribed for level V of the  
9 Executive Schedule under section 5316 of title 5, United  
10 States Code, for each day (including travel time) during  
11 which such member is engaged in the performance of the  
12 duties of the Board.

13 (2) Each member of the Board of Directors shall re-  
14 ceive travel expenses, including per diem in lieu of subsist-  
15 ence, at rates authorized for employees of agencies under  
16 subchapter I of chapter 57 of title 5, United States Code,  
17 for each day the member is engaged in the performance  
18 of duties away from the home or regular place of business  
19 of the member.

20 (b) The executive director may appoint and fix the  
21 compensation of such staff, including hearing officers, as  
22 are necessary to carry out this resolution.

23 (c) The executive director may, with the prior consent  
24 of the Government department or agency concerned, use  
25 the services of any such department or agency, including

1 the services of members or personnel of the General Ac-  
2 counting Office Personnel Appeals Board.

3 (d) The executive director may procure the temporary  
4 (not to exceed 1 year) or intermittent services of individual  
5 consultants or organizations thereof.

6 **SEC. 5. STUDY AND REGULATIONS.**

7 (a) The Board of Directors shall conduct a study of  
8 the manner in which the laws referred to in clause 2(a)  
9 of rule LII of the Rules of the House of Representatives  
10 should apply to the House of Representatives. The Board  
11 of Directors shall complete such study and report the re-  
12 sults to House of Representatives not later than 180 days  
13 after the date of the first appointment of the first execu-  
14 tive director.

15 (b) On an ongoing basis the Board of Directors—

16 (1) shall determine which of the laws referred  
17 to in clause 2(b) of rule LII of the Rules of the  
18 House of Representatives should apply to the House  
19 of Representatives and if it should, the manner in  
20 which it should be made applicable;

21 (2) shall study the application to the House of  
22 provisions of Federal law referred to in paragraphs  
23 (a) and (b) of clause 2 of rule LII of the Rules of  
24 the House of Representatives that are enacted after  
25 the date of adoption of this resolution;

1           (3) may propose regulations with respect to  
2       such application in accordance with subsection (c);  
3       and

4           (4) may review the regulations in effect under  
5       subsection (e)(1) and make such amendments as  
6       may be appropriate in accordance with subsection  
7       (c).

8       (c)(1)(A) Not later than 180 days after the date of  
9       the completion of the study under subsection (a), the  
10      Board of Directors shall, in accordance with section 553  
11      of title 5, United States Code, propose regulations to im-  
12      plement the requirements of the laws referred to in clause  
13      2(a) of rule LII of the Rules of the House of Representa-  
14      tives. The Board of Directors shall provide a period of at  
15      least 30 days for comment on the proposed regulations.

16      (B) In addition to publishing a general notice of pro-  
17      posed rulemaking under section 553(b) of title 5, United  
18      States Code, the Board of Directors shall concurrently  
19      submit such notice for publication in the Congressional  
20      Record.

21      (C) When proposing regulations under subparagraph  
22      (A) to implement the requirements of a law referred to  
23      in clause 2(a) of rule LII of the Rules of the House of  
24      Representatives, the Board of Directors shall recommend  
25      to the House of Representatives changes in or repeals of

1 existing law to accommodate the application of such law  
2 to the House.

3 (D) The Board of Directors shall, in accordance with  
4 such section 553, issue final regulations not later than 60  
5 days after the end of the comment period on the proposed  
6 regulations.

7 (2)(A) Not later than 180 days after the date of the  
8 completion of the study or a determination under sub-  
9 section (b), the Board of Directors shall, in accordance  
10 with section 553 of title 5, United States Code, propose  
11 regulations that specify which of the provisions of Federal  
12 law considered in such study shall apply to the House of  
13 Representatives. The Board of Directors shall provide a  
14 period of at least 30 days for comment on the proposed  
15 regulations.

16 (B) In addition to publishing a general notice of pro-  
17 posed rulemaking under section 553(b) of title 5, United  
18 States Code, the Board of Directors shall concurrently  
19 submit such notice for publication in the Congressional  
20 Record.

21 (C) When proposing regulations under subparagraph  
22 (A) specifying which of the provisions of Federal law re-  
23 ferred to in clause 2(b) of rule LII of the Rules of the  
24 House of Representatives shall apply to the House of Rep-  
25 resentatives, the Board of Directors shall recommend to

1 the House of Representatives changes in or repeals of ex-  
2 isting law to accommodate the application of such law to  
3 the House.

4 (D) The Board of Directors shall, in accordance with  
5 such section 553, issue final regulations not later than 60  
6 days after the end of the comment period on the proposed  
7 regulations.

8 (3) Regulations under paragraphs (1) and (2) shall  
9 be consistent with the regulations issued by an agency of  
10 the executive branch of the Federal Government under the  
11 provision of law made applicable to the House of Rep-  
12 resentatives, including portions relating to remedies.

13 (4) If a regulation is disapproved by a resolution con-  
14 sidered under subsection (e), not later than 60 days after  
15 the date of the disapproval, the Board of Directors shall  
16 propose a new regulation to replace the regulation dis-  
17 approved. The action of the Board of Directors under this  
18 paragraph shall be in accordance with the applicable re-  
19 quirements of this subsection.

20 (d) A final regulation issued under subsection (c)  
21 shall be transmitted to the House of Representatives for  
22 consideration under paragraph (e).

23 (e)(1) Subject to subsection (f), a final regulation  
24 which is issued under subsection (c) shall take effect upon  
25 the expiration of 60 days from the date the final regula-

1 tion is issued unless disapproved by the House of Rep-  
2 resentatives by resolution.

3       (2) A resolution referred to in paragraph (1) may be  
4 introduced in the House of Representatives within 5 legis-  
5 lative days after the date on which the Board of Directors  
6 issues the final regulation to which the resolution applies.  
7 The matter after the resolving clause of the resolution  
8 shall be as follows: “That the House of Representatives  
9 disapproves the issuance of final regulations of the Office  
10 of Compliance as issued on \_\_\_\_\_ (the blank  
11 space being appropriately filled in).”.

12       (3) A resolution referred to in paragraph (1) shall  
13 be referred to the appropriate committee. If no resolution  
14 is reported within 15 legislative days after the Board of  
15 Directors issues final regulations under subsection  
16 (c)(1)(D) or (c)(2)(D), the committee to which the resolu-  
17 tion was referred shall be discharged from further consid-  
18 eration of the first such resolution introduced and the res-  
19 olution shall be placed on the appropriate calendar. Any  
20 meeting of a committee on a resolution shall be open to  
21 the public. Within 5 legislative days after the resolution  
22 is reported or discharged, it shall be in order as a privi-  
23 leged matter to move to proceed to its consideration and  
24 such motion shall not be debatable. The resolution shall  
25 be debatable for not to exceed 4 hours equally divided be-

1 tween proponents and opponents and it shall not be sub-  
2 ject to amendment.

3 (f) Any meeting of the Board of Directors held in  
4 connection with a study under subsection (a) or (b) shall  
5 be open to the public. Any meeting of the Board of Direc-  
6 tors in connection with a regulation under subsection (c)  
7 shall be open to the public.

8 **SEC. 6. OTHER FUNCTIONS.**

9 (a) The executive director shall adopt rules governing  
10 the procedures of the Office, subject to the approval of  
11 the Board of Directors, including the procedures of hear-  
12 ing boards, which shall be submitted for publication in the  
13 Congressional Record. The rules may be amended in the  
14 same manner. The executive director may consult with the  
15 Chairman of the Administrative Conference of the United  
16 States and the General Counsel of the House of Rep-  
17 resentatives on the adoption of rules.

18 (b) The executive director shall have authority to con-  
19 duct such investigations as the executive director requires  
20 to implement sections 7 through 10.

21 (c) The Office shall—

22 (1) carry out a program of education for Mem-  
23 bers of the House of Representatives and other em-  
24 ploying authorities of the House of Representatives  
25 respecting the laws made applicable to them and a

1 program to inform individuals of their rights under  
2 laws applicable to the House of Representatives and  
3 under sections 7 through 10,

4 (2) in carrying out the program under para-  
5 graph (1), distribute the telephone number and ad-  
6 dress of the Office, procedures for action under sec-  
7 tions 7 through 10, and any other information the  
8 executive director deems appropriate for distribution,  
9 distribute such information to Members and other  
10 employing authorities of the House in a manner  
11 suitable for posting, provide such information to new  
12 employees of the House, distribute such information  
13 to the residences of employees of the House, and  
14 conduct seminars and other activities designed to  
15 educate employers and employees in such informa-  
16 tion,

17 (3) compile and publish statistics on the use of  
18 the Office by employees of the House, including the  
19 number and type of contacts made with the Office,  
20 on the reason for such contacts, on the number of  
21 employees who initiated proceedings with the Office  
22 under sections 7 through 10 and the result of such  
23 proceedings, and on the number of employees who  
24 filed a complaint under section 10, the basis for the



1 complaint, and the action taken on the complaint,  
2 and

3 (4) within 180 days of the initial appointment  
4 of the executive director and in conjunction with the  
5 Clerk, develop a system for the collection of demo-  
6 graphic data respecting the composition of employ-  
7 ees of the House, including race, sex, and wages,  
8 and a system for the collection of information on  
9 employment practices, including family leave and  
10 flexible work hours, in House offices.

11 (d) Within one year of the date the system referred  
12 to in subsection (c)(4) is developed and annually there-  
13 after, the Board of Directors shall submit to the House  
14 of Representatives a report on the information collected  
15 under such system. Each report after the first report shall  
16 contain a comparison and evaluation of data contained in  
17 the previous report.

18 **SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED**  
19 **VIOLATIONS.**

20 The procedure for consideration of alleged violations  
21 of laws made applicable to the House of Representatives  
22 under this rule consists of 3 steps as follows:

23 (1) Step I, counseling, as set forth in section 8.

24 (2) Step II, mediation, as set forth in section

25 9.

1           (3) Step III, formal complaint and hearing by  
2           a hearing board, as set forth in section 10.

3 **SEC. 8. STEP I: COUNSELING.**

4           (a) An employee of the House alleging a violation of  
5 a law made applicable to the House of Representatives  
6 under rule LII of the Rules of the House of Representa-  
7 tives may request counseling through the Office. The Of-  
8 fice shall provide the employee with all relevant informa-  
9 tion with respect to the rights of the employee. A request  
10 for counseling shall be made not later than 180 days after  
11 the alleged violation forming the basis of the request for  
12 counseling occurred.

13          (b) The period for counseling shall be 30 days unless  
14 the employee and the Office agree to reduce the period.  
15 The period shall begin on the date the request for counsel-  
16 ing is received.

17 **SEC. 9. STEP II: MEDIATION.**

18          (a) Not later than 15 days after the end of the coun-  
19 seling period under section 8, the employee who alleged  
20 a violation of a law made applicable to the House of Rep-  
21 resentatives under rule LII of the Rules of the House of  
22 Representatives may file a request for mediation with the  
23 Office. Mediation—

24               (1) may include the Office, the employee, the  
25               employing authority, and individuals who are rec-

1 ommended by organizations composed primarily of  
2 individuals experienced in adjudicating or arbitrating  
3 personnel matters, and

4 (2) shall be a process involving meetings with  
5 the parties separately or jointly for the purpose of  
6 resolving the dispute between the employee and the  
7 employing authority.

8 (b) The mediation period shall be 30 days beginning  
9 on the date the request for mediation is received and may  
10 be extended for an additional 30 days at the discretion  
11 of the Office. The Office shall notify the employee and  
12 the head of the employing authority when the mediation  
13 period has ended.

14 **SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.**

15 (a) Not later than 30 days after receipt by the em-  
16 ployee of the House of notice from the Office of the end  
17 of the mediation period under section 9, the employee of  
18 the House may file a formal complaint with the Office  
19 against the head of the employing authority involved. No  
20 complaint may be filed unless the employee has made a  
21 timely request for counseling and has completed the proce-  
22 dures set forth in sections 8 and 9.

23 (b) A board of 3 independent hearing officers (herein-  
24 after in this resolution referred to as a “hearing board”),  
25 who are not Members, officers, or employees of the House,

1 chosen by the executive director (one of whom shall be  
2 designated by the executive director as the presiding hear-  
3 ing officer) shall be assigned to consider each complaint  
4 filed under subsection (a). The executive director shall ap-  
5 point hearing officers from candidates who are rec-  
6 ommended by the Federal Mediation and Conciliation  
7 Service or the Administrative Conference of the United  
8 States. A hearing board shall act by majority vote.

9 (c) Prior to a hearing under subsection (d), a hearing  
10 board may dismiss any claim that it finds to be frivolous.

11 (d) A hearing shall be conducted—

12 (1) in closed session on the record by a hearing  
13 board; and

14 (2) no later than 30 days after filing of the  
15 complaint under subsection (a), except that the Of-  
16 fice may, for good cause, extend up to an additional  
17 60 days the time for conducting a hearing.

18 (e) Reasonable prehearing discovery may be per-  
19 mitted at the discretion of the hearing board.

20 (f)(1) A hearing board may authorize subpoenas,  
21 which shall be issued by the presiding hearing officer on  
22 behalf of the hearing board under the seal of the House  
23 of Representatives for the attendance of witnesses at pro-  
24 ceedings of the hearing board and for the production of  
25 correspondence, books, papers, documents, and other

1 records. The attendance of witnesses and the production  
2 of evidence may be required from any place within the  
3 United States.

4 (2) If a person refuses to obey a subpoena issued  
5 under paragraph (1), the hearing board may report the  
6 refusal to the Committee on Rules which may take any  
7 action it deems appropriate, which shall be authorized by  
8 the chairman and ranking minority member acting jointly.  
9 Such action may include—

10 (A) a referral to the Committee on Standards  
11 of Official Conduct if the refusal is by a current  
12 Member of the House of Representatives or officer  
13 or employee of the House of Representatives, or

14 (B) a report to the House of Representatives of  
15 a resolution to certify a contempt pursuant to sec-  
16 tions 102 and 104 of the Joint Resolution of June  
17 22, 1938 (2 U.S.C. 192, 194) if the failure is by  
18 someone other than a current Member of the House  
19 of Representatives or officer or employee of the  
20 House of Representatives.

21 (3) The subpoenas of the hearing board shall be  
22 served in the manner provided for subpoenas issued by  
23 a United States district court under the Federal Rules of  
24 Civil Procedure for the United States district courts.

1       (4) All process of any court to which application is  
2 to be made under paragraph (2) may be served in the judi-  
3 cial district in which the person required to be served re-  
4 sides or may be found.

5       (5) The hearing board is an agency of the United  
6 States for the purpose of part V of title 18, United States  
7 Code (relating to immunity of witnesses).

8       (g) As expeditiously as possible, but in no case more  
9 than 45 days after the conclusion of the hearing, the hear-  
10 ing board shall make a decision in the matter for which  
11 the hearing was held. The decision of the hearing board  
12 shall be transmitted by the Office to the employee of the  
13 House and the employing authority. The decision shall  
14 state the issues raised by the complaint, describe the evi-  
15 dence in the record, and contain a determination as to  
16 whether a violation of a law made applicable to the House  
17 of Representatives under this rule has occurred. Any deci-  
18 sion of the hearing board shall contain a written statement  
19 of the reasons for the hearing board's decision. A final  
20 decision of the hearing board shall be made available to  
21 the public by the Office.

22       (h) If the decision of the hearing board under sub-  
23 section (g) is that a violation of a law made applicable  
24 to the House of Representatives under rule LII of the  
25 Rules of the House of Representatives, it shall order the

1 remedies under such law as made applicable to the House  
2 of Representatives under that rule, except that no Member  
3 of the House of Representatives or any other head of an  
4 employing authority, or agent of such a Member shall be  
5 personally liable for the payment of compensation. The  
6 hearing board shall have no authority to award punitive  
7 damages.

8 (i)(1) A House employee or an employing authority  
9 may request the Board of Directors to review a decision  
10 of the hearing board under subsection (g) (including a de-  
11 cision after a remand under paragraph (2)(A)). Such a  
12 request shall be made within 30 days of the date of the  
13 decision of the hearing board. Review by the Board of Di-  
14 rectors shall be based on the record of the hearing board.

15 (2) The Board of Directors shall issue a decision not  
16 later than 60 days after the date of the request under  
17 paragraph (1). The decision of the Board of Directors  
18 may—

19 (A) remand to the hearing board the matter be-  
20 fore the Board of Directors for the purpose of  
21 supplementing the record or for further consider-  
22 ation;

23 (B) reverse the decision of the hearing board  
24 and enter a new decision and order in accordance  
25 with subsection (h); or

1 (C) direct that the decision and order of the  
2 hearing board be considered as the final decision.

3 (j) There shall be established in the House of Rep-  
4 resentatives a fund from which compensation (including  
5 attorney's fees) may be paid in accordance with an order  
6 under subsection (h) or (i). From the outset of any pro-  
7 ceeding in which compensation may be paid from a fund  
8 of the House of Representatives, the General Counsel of  
9 the House of Representatives may provide the respondent  
10 with representation.

11 **SEC. 11. RESOLUTION OF COMPLAINT.**

12 If, after a formal complaint is filed under section 10,  
13 the employee and the employing authority resolve the is-  
14 sues involved, the employee may withdraw the complaint  
15 or the parties may enter into a written agreement, subject  
16 to the approval of the executive director.

17 **SEC. 12. PROHIBITION OF INTIMIDATION.**

18 Any intimidation of, or reprisal against, any employee  
19 of the House by any Member, officer, or employee of the  
20 House of Representatives because of the exercise of a right  
21 under this resolution constitutes an unlawful employment  
22 practice, which may be remedied in the same manner  
23 under this resolution as is a violation of a law made appli-  
24 cable to the House of Representatives under rule LII of  
25 the Rules of the House of Representatives.



1 **SEC. 13. CONFIDENTIALITY.**

2 (a) All counseling shall be strictly confidential except  
3 that the Office and the employee may agree to notify the  
4 head of the employing authority of the allegations.

5 (b) All mediation shall be strictly confidential.

6 (c) Except as provided in subsection (d), the hearings  
7 and deliberations of the hearing board shall be confiden-  
8 tial.

9 (d) At the discretion of the executive director, the ex-  
10 ecutive director may provide to the Committee on Stand-  
11 ards of Official Conduct access to the records of the hear-  
12 ings and decisions of the hearing boards, including all  
13 written and oral testimony in the possession of the hearing  
14 boards, concerning a decision under section 10(g). The ex-  
15 ecutive director shall not provide such access until the ex-  
16 ecutive director has consulted with the individual filing the  
17 complaint at issue in the hearing, and until the hearing  
18 board has issued the decision.

19 (e) The executive director shall coordinate the pro-  
20 ceedings with the Committee on Standards of Official  
21 Conduct to ensure effectiveness, to avoid duplication, and  
22 to prevent penalizing cooperation by respondents in their  
23 respective proceedings.

1 **SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESI-**  
2 **DENCE.**

3 (a) It shall not be a violation of a law made applicable  
4 to the House of Representatives under rule LII of the  
5 Rules of the House of Representatives to consider the—

6 (1) party affiliation,

7 (2) domicile, or

8 (3) political compatibility with the employing  
9 authority,

10 of an employee of the House with respect to employment  
11 decisions.

12 (b) For purposes of subsection (a), the term “em-  
13 ployee” means—

14 (1) an employee on the staff of the House of  
15 Representatives leadership,

16 (2) an employee on the staff of a committee or  
17 subcommittee,

18 (3) an employee on the staff of a Member of  
19 the House of Representatives,

20 (4) an officer or employee of the House of Rep-  
21 resentatives elected by the House of Representatives  
22 or appointed by a Member of the House of Rep-  
23 resentatives, other than those described in para-  
24 graphs (1) through (3), or

1           (5) an applicant for a position that is to be oc-  
2       cupied by an individual described in paragraphs (1)  
3       through (4).

4   **SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.**

5       The procedures and remedies under rule LII of the  
6   Rules of the House of Representatives are exclusive except  
7   to the extent that the Rules of the House of Representa-  
8   tives and the rules of the Committee on Standards of Offi-  
9   cial Conduct provide for additional procedures and rem-  
10   edies.

11   **SEC. 16. STUDY.**

12       (a) The Office shall conduct a study—

13           (1) of the ways that access by the public to in-  
14       formation held by the House of Representatives may  
15       be improved and streamlined, and of the application  
16       of section 552 of title 5, United States Code to the  
17       House of Representatives; and

18           (2) of the application of the requirement of sec-  
19       tion 552a of title 5, United States Code, to the  
20       House of Representatives.

21       (b) The study conducted under subsection (a) shall  
22   examine—

23           (1) information that is currently made available  
24       under such section 552 by Federal agencies and not  
25       by the House of Representatives;

1           (2) information held by the nonlegislative of-  
2       fices of the House of Representatives, including—

3           (A) the Director of Non-legislative and Fi-  
4       nancial Services,

5           (B) the Clerk,

6           (C) the Inspector General,

7           (D) the Sergeant at Arms,

8           (E) the Doorkeeper,

9           (F) the United States Capitol Police, and

10          (G) the House Commission on Congres-  
11       sional Mailing Standards;

12          (3) financial expenditure information of the  
13       House of Representatives; and

14          (4) provisions for judicial review of denial of ac-  
15       cess to information held by the House of Represent-  
16       atives.

17       (c) The Office shall conduct the study prescribed by  
18       subsection (a) and report the results of the study to the  
19       House of Representatives not later than one year after the  
20       date of the initial appointment of the Board of Directors.

21       **SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.**

22       (a) The amendments made by section 1 shall take  
23       effect on November 1, 1994.

24       (b) Effective at the beginning of the second session  
25       of the One Hundred Fourth Congress, rule LI of the Rules

1 of the House of Representatives is repealed and rule LII  
2 of such Rules is redesignated as rule LI and all references  
3 to rule LII in sections 2 through 16 of this resolution are  
4 deemed to be references to rule LI of such Rules.

5 (c) Notwithstanding subsection (b), until the begin-  
6 ning of the second session of the One Hundred Fourth  
7 Congress, the functions under rule LI of the Rules of the  
8 House of Representatives that are the responsibility of the  
9 Office of Fair Employment Practices shall continue to be  
10 the responsibility of that Office.

11 (d) Any formal complaint filed under rule LI of the  
12 Rules of the House of Representatives before the close of  
13 the first session of the One Hundred Fourth Congress  
14 which has not been finally disposed of shall be transferred  
15 to the Office of Compliance for completion of all pending  
16 proceedings relating to that complaint. The Office of Com-  
17 pliance may make regulations to provide for the orderly  
18 transfer and disposition of such complaints.

19 (e) In appointing staff under section 4(b), the execu-  
20 tive director should give full consideration to employees  
21 of the Office of Fair Employment Practices.

22 (f) Sections 1 through 16 and subsections (a) through  
23 (e) of this section shall have no force or effect upon the  
24 enactment by the One Hundred Third Congress of the  
25 Congressional Accountability Act, whether by enactment

1 of the bill H.R. 4822, by incorporation of the text of that  
2 bill in another measure, or otherwise.

3 SEC. 18. The chairman and ranking minority member  
4 of the Committee on House Administration, acting jointly,  
5 shall study and report recommendations to the Speaker  
6 and minority leader, no later than January 3, 1995, for  
7 changes in House rule LII to be adopted by the House  
8 to reconcile such rule with the existing jurisdiction of the  
9 Committee on House Administration.

10 SEC. 19. The General Counsel of the House shall con-  
11 duct a study to be submitted to the Speaker, minority  
12 leader, and the chairmen and ranking minority members  
13 of the Committees on House Administration and Rules no  
14 later than January 3, 1995, on further changes in House  
15 rules to provide to employees of the House (as defined in  
16 section 2) the ability to bring a civil action in Federal dis-  
17 trict court against an employing authority (as defined in  
18 section 2) for an alleged violation under Federal law to  
19 the extent that such violation relates to the terms and con-  
20 ditions of employment, until the statutory provisions con-  
21 tained in H.R. 4822, as passed by the House, are enacted.

○

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